IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 17865 of 2005

Between:

1. Adhikari Padmavathi W/o. Satyanarayana Murhty,
R/o. Gollavanithippa, Bhimavaram Mandal, West Godavari

District,
2. Adabala Lakshmi Devi W/o. Satyanarayana, R/o.

Gollavanithippa, Bhimavaram Mandal, West Godavari District,
3. Adhikari Radha Krishna Kumari W/o. Rambabu
R/o. Gollavanithippa, Bhimavaram Mandal, West Godavari

District,
4. Vetti Varalakshmi W/o. Srikrishna Murhty
R/o. Gollavanithippa, Bhimavaram Mandal, West Godavari

District,
5. Adhikari Lakshmi W/o. Surendra Babu
R/o. Gollavanithippa, Bhimavaram Mandal, West Godavari

District,
6. Peethani Edukondalu S/o. Anjaneyulu R/o. Gollavanithippa,

Bhimavaram Mandal, West Godavari District,
7. Vegesna Sarojini W/o. Ranga Raju R/o. Gollavanithippa,

Bhimavaram Mandal, West Godavari District,
8. Polnati Prabhavathi W/o. Srinu Babu R/o. Gollavanithippa,

Bhimavaram Mandal, West Godavari District,
9. Kopparthi Venkataratnam S/o. Rattayya R/o.

Gollavanithippa, Bhimavaram Mandal, West Godavari District,
10. Polnati Peddi Raju S/o. Venkataratnam R/o. Gollavanithippa,

Bhimavaram Mandal, West Godavari District,

..... PETITIONERS

AND

1 The Mandal Revenue Officer, Bhimavaram Mandal, Bhimavaram, West Godavari District,
2 The District Collector, West Godavari District, Eluru,

.....RESPONDENTS

ORDER:

This writ petition filed declaring the notices in R.C.No.721 of 1994 (B) dated Nill-7-2005 issued by the first respondent directing the petitioners to vacate the land which has been in their possession and enjoyment, situated at Losarigutlapadu village, Bhimavaram Mandal, West Godavari District as illegal and arbitrary.

The case of the petitioner is that the Government of Madras by virtue of G.O.Ms.NO.1 Mis.Revenue Department, dated 03.01.1991 sanctioned assignment in favour of "Circars Agricultural Development Corporation Limited" (for short corporation) in respect of land admeasuring 1500 acres in R.S.No.65/A of Losarigutlapadu Village, Bhimavaram Mandal, West Godavari District. As the petitioners are the share holders of the corporation, the petitioners were allotted a small extents of and they have been cultivating the same. While so the Government by G.O.Ms.No.466 Revenue (Assignment) Department, dated 20.05.1994 cancelled the assignment of the land made in favour of the corporation and further directed the District Collector to resume the land and to assign the same in favour of eligible "Sivai Jamadars." Questioning the said G.O. the petitioners along with other share holders filed writ petition Nos.11128 and 11220 of 1994 wherein this court by order dated 28.06.2005 disposed of the writ petitions directing the first respondent therein not to give effect to G.O.Ms.NO.466, dated 20.05.1994 insofar as the petitioners are concerned unless and until individual notices are issued to all the petitioners therein regarding the alleged violation of Condition No.9 of the terms of grant. But however, by the

impugned notice the first respondent directed the petitioners to vacate the land within 15 days, failing to do so the petitioners shall be evicted under Section 6 of the A.P.Land Encroachment Act, 1905 and the possession would be taken by the Government. Hence, the writ petition.

Heard learned counsel on either side.

Having considered the facts and circumstances of the case, I deem it appropriate to direct the petitioners to make a representation within a period of two weeks to the respondents from the date of receipt of a copy of this order and that the respondents are directed to consider the same and pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of application of the petitioners. Till such time the respondents are also further directed not to dispossess the petitioners from their premises, if they are in possession.

With the above observation, the writ petition is disposed of. No costs.

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12-08-2005

kvrm